

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of:)	
)	
Amendment of Parts 73 and 74 of the)	
Commission's Rules to Establish Rules for)	
Digital Low Power Television, Television)	MB Docket No. 03-185
Translator, and Television Booster Stations)	
and to Amend Rules for Digital Class A)	
Television Stations)	

**COMMENTS OF
THE NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS COUNCIL**

The National Public Safety Telecommunications Council (NPSTC) submits these Comments in response to the Commission's Further Notice of Proposed Rulemaking (FNPRM) released September 17, 2010 in the above-captioned proceeding.¹ In that proceeding, the Commission proposes to require that all low power television (LPTV) vacate the 698-806 MHz band (formerly TV channels 52-69) by December 31, 2011. Under the proposal, LPTV licensees and permittees would accomplish this by either finding an alternative channel outside of 52-69 or by ceasing operations.

As addressed in the comments herein, NPSTC supports this proposal which is necessary to make the 700 MHz band spectrum fully available for public safety operations use throughout the country. NPSTC believes the proposal is a natural extension of the beneficial policies that resulted

¹ *Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations, Further Notice of Proposed Rulemaking and Memorandum Opinion and Order, MB Docket No. 03-185, released Sept. 17, 2010.*

in full power television stations vacating the band by June 12, 2009 so public safety and commercial operations can be deployed in the 700 MHz band spectrum.

The National Public Safety Telecommunications Council

The National Public Safety Telecommunications Council is a federation of public safety organizations whose mission is to improve public safety communications and interoperability through collaborative leadership. NPSTC pursues the role of resource and advocate for public safety organizations in the United States on matters relating to public safety telecommunications. NPSTC has promoted implementation of the Public Safety Wireless Advisory Committee (PSWAC) and the 700 MHz Public Safety National Coordination Committee (NCC) recommendations. NPSTC explores technologies and public policy involving public safety telecommunications, analyzes the ramifications of particular issues and submits comments to governmental bodies with the objective of furthering public safety telecommunications worldwide. NPSTC serves as a standing forum for the exchange of ideas and information for effective public safety telecommunications.

The following 15 organizations participate in NPSTC:

- American Association of State Highway and Transportation Officials
- American Radio Relay League
- Association of Fish and Wildlife Agencies
- Association of Public-Safety Communications Officials-International
- Forestry Conservation Communications Association
- International Association of Chiefs of Police
- International Association of Emergency Managers
- International Association of Fire Chiefs
- International Municipal Signal Association
- National Association of State Chief Information Officers
- National Association of State Emergency Medical Services Officials
- National Association of State Foresters
- National Association of State Technology Directors
- National Emergency Number Association
- National Sheriffs' Association

Several federal agencies are liaison members of NPSTC. These include the Department of Homeland Security (the Federal Emergency Management Agency, the Office of Emergency Communications, the Office of Interoperability and Compatibility, and the SAFECOM Program); Department of Commerce (National Telecommunications and Information Administration); Department of the Interior; and the Department of Justice (National Institute of Justice, CommTech Program). NPSTC has liaison relationships with associate members, the Telecommunications Industry Association, the Canadian Interoperability Technology Interest Group and the Utilities Telecom Council.

NPSTC Comments

The Commission's FNPRM notes certain elements in the long history of transitioning the spectrum in the 698-806 MHz band, formerly known as TV channels 52-69, to public safety and commercial spectrum. The public safety community has been involved with the Commission for over 15 years to obtain spectrum in the 700 MHz band, define rules for its use and clear incumbent operations from the band so deployments can be made throughout the U.S. Both Commission and Congressional actions to reallocate the spectrum in this band have been well-publicized throughout those 15 years.

There has been a long-standing recognition that the 700 MHz band must be cleared for public safety and commercial operations, consistent with the spectrum reallocation. Accordingly, NPSTC supports the Commission's proposal to set a date-certain of December 31, 2011 when LPTV must vacate the band and recommends the Commission also apply this same deadline to any analog or digital TV translator stations operating in the 698-806 MHz band. This follows other actions by Congress and the FCC to transition full television and wireless microphones from the 700 MHz band spectrum. All these actions serve to support the deployment of public safety systems at 700 MHz.

From the Commission's initial Report and Order reallocating the upper segment of the 700 MHz spectrum in 1997, mobile operations were defined as a primary service and Low Power TV and TV translator operations are secondary to all primary services in this band.² In the Balanced Budget Act of 1997, Congress clearly recognized that all secondary broadcast services might be displaced by new primary services, as also addressed in the Commission's 746-806 MHz 1997 reallocation decision at paragraph. 29. Also, per section 74.23 of the FCC rules, secondary Broadcast Radio Services may not cause interference that jeopardizes safety of life or protection of property.

In the interim transition pending clearance of these secondary stations from the 700 MHz band by December 31, 2011, NPSTC recommends the Commission also require all LPTV and translator stations to vacate the band if interference to primary public safety or commercial services occur. The Commission's rules already include provisions requiring digital Low Power TV stations and translators operating in the 698-806 MHz spectrum to cease operations immediately if interference to public safety or commercial wireless licensees in the band is confirmed.³ Also, a digital LPTV or translator station must vacate the 698-806 MHz band spectrum within 120 days upon notification that a public safety or commercial wireless licensee plans to implement facilities within interference range.⁴ NPSTC concurs with the Commission's proposal in the FNPRM that these provisions also be applied to analog LPTV and translator stations. From a public safety perspective, whether a secondary LPTV or translator station is digital or analog is irrelevant; if it

² See Report and Order reallocating Television Channels 60-69, i.e., the 746-806 MHz Band, ET Docket No. 97-157, adopted December 31, 1997, at paragraphs 14 and 25-31.

³ See 47 CFR 74.703(f).

⁴ See 47 CFR 74.703(g).

interferes with an existing public safety primary operation or stands in the way of deploying such primary operations in the 700 MHz band, expeditious steps must be taken to remove the conflict.

As LPTV and translator stations modify their respective authorizations to operate outside the 698-806 MHz band spectrum under the proposal in the FNPRM, NPSTC also notes the importance of protecting public safety and other critical operation in the 470-512 MHz band. Certain TV channels within this band are designated in each of 11 urban markets for use by public safety and land mobile use. These operations are critically important and must continue to be protected. Major public safety systems operate in these markets on these channels.

Conclusion

NPSTC supports a date-certain of December 31, 2011 by which all analog and digital low power television stations and television translators will vacate the spectrum in the 698-806 MHz band. In the interim, these secondary stations should continue to be required to vacate sooner if required because of interference to an existing or planned public safety system. Also, as these LPTV and translator stations relocate to other TV channels below channel 52 (698 MHz), public safety operations in the 470-512 MHz band (TV channels 14-20) must be protected.

Respectfully submitted



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